

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOSEPH THOMPSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09cv214-TMH
)	
LEROY UPSHAW, et al.,)	
)	
Defendants.)	

ORDER AND OPINION

On April 2, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 6). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The plaintiff's claims presented against Paul Brunson and Ben Reeve are DISMISSED with prejudice prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(I), (ii) and (iii).
2. The plaintiff's challenges to the constitutionality of the criminal charge pending against him before the Circuit Court of Barbour County, Alabama, are DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time.
3. This case, with respect to the plaintiff's claim against Leroy Upshaw alleging

a two-day period of illegal imprisonment on a detainer lodged by another state,
is referred back to the Magistrate Judge for additional proceedings.

Done this the 22nd day of April, 2009.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE